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Paper No. 34

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DAVENPORT, IA 52801

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JAN 13 2006

In re Application of :  
Orlowski, et al. : DECISION ON PETITION  
Application No. 09/428,982 :  
Filed: October 28, 1999 :  
Atty. Dkt. No.: P3091 :  
:

This is a decision on the petition renewed under 37 CFR 1.137(b), filed November 21, 2005, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned September 6, 2003 for failure to timely reply to the final Office action re-mailed June 5, 2003. The final Office action set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed January 6, 2004. A petition under 37 CFR 1.137(a) was filed March 15, 2004 and dismissed July 8, 2004. A petition under 37 CFR 1.137(b) was filed August 17, 2004 and dismissed September 1, 2004. A renewed petition under 37 CFR 1.137(b) was filed September 1, 2004 and October 5, 2004. A renewed petition was submitted October 20, 2004 and dismissed September 20, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the final Office action

Application No. 09/428,982

2

mailed June 5, 2003 is accepted as having been unintentionally delayed.

This application file is being forwarded to Technology Center 3600 for processing of the RCE submitted herewith.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Petitions Attorney  
Office of Petitions